

78 FR 02672
FEDERAL REGISTER
Implementation of the Privacy Act of 1974, as amended;
Republication to Delete and Update Privacy Act System of Records Notifications
[Docket No. 2013-02672; FR-5693-N-02]
BILLING CODE 4210-67-P

February 6, 2013

ACTION: Notice Republication.

SUMMARY: Pursuant to the Privacy Act of 1974 (U.S.C. 552a (e) (4)), as amended, and Office of Management and Budget (OMB), Circular No. A-130, notice is hereby given that the Department of Housing and Urban Development (HUD), Office of the Chief Information Officer (OCIO) republishes in the Federal Register, after a comprehensive review, actions for program component system of records. The revisions implemented under this republication are corrective and administrative changes that refine previously published details for each system of records in a clear and cohesive format.

DATES: EFFECTIVE DATE: All revisions included in the aforementioned republication are complete and accurate as of December 14, 2012.

FOR FURTHER INFORMATION CONTACT: Donna Robinson-Staton, Chief Privacy Officer, 451 Seventh Street SW, Washington, DC 20410 (Attention: Capitol View Building, 4th Floor), telephone number: (202) 402-8073. [The above telephone number is not a toll free numbers.] A telecommunications device for hearing- and speech-impaired persons (TTY) is available by calling the Federal Information Relay Service's toll-free telephone number (800) 877-8339.

TEXT: SYSTEM OF RECORDS NOTICE

SYSTEM OF RECORDS NO.: OIG/GIP.01

SYSTEM NAME: Investigative Files of the Office of Inspector General.

SYSTEM LOCATION: HUD OIG Headquarters, Washington D.C. and OIG Office of Investigations field offices¹.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals covered consist of: (1) HUD program participants and HUD employees who are associated with an activity that OIG is investigating or evaluating; (2) requesters of an OIG investigative or other activity; and (3) persons and entities performing some other role of significance to the OIG's efforts, such as relatives or business associates of HUD program participants or employees, potential witnesses, or persons who represent legal entities that are connected to an OIG investigation or other activity. The system also tracks information pertaining to OIG staff handling the investigation or other activity, and may contain contact names for relevant staff in other agencies.

CATEGORIES OF RECORDS IN THE SYSTEM: These materials include information regarding the planning, conduct and prosecution of investigations of HUD program participants and employees, legal assistance requests, information requests, responses to such requests, reports of investigations, etc. Data resources include the individual's name, Social Security Number, date of birth, home address, home telephone number, personal email address, Employee Identification Number, Tax Identification, Driver License Number and name, passport information, State Identification, Narcotics and Dangerous Drugs Information System, Federal Bureau Investigation Number ; Race/ ethnicity, Gender, Employment History, Education, Income, and Financial information.

¹ <http://csfintraweb.hudoig.gov/offices.html>

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: The Inspector General Act of 1978, 5 U.S.C. Appx. authorizes the Inspector General to conduct, supervise and coordinate investigations relating to the programs and operations of HUD.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: In addition to those disclosures generally permitted under subsection (b) of the Privacy Act of 1974, 5 U.S.C. 552a(b), records may also be disclosed routinely to other users under the following circumstances:

1. In the event that records indicate a violation or potential violation of law, whether criminal, civil or regulatory in nature, the relevant records may be disclosed to the appropriate federal, state, or local agency charged with the responsibility for investigating or prosecuting such violation or enforcing or implementing such statute, rule or regulation.
2. Records may be disclosed to HUD contractors, Public Housing Authorities or management agents of HUD-assisted housing projects, in order to assist such entities in taking or defending actions to recover money or property, or take personnel actions based on an OIG investigation or audit, where such recovery or personnel action serves to promote the integrity of the programs or operations of HUD.
3. Records may be disclosed during the course of an administrative proceeding where HUD is a party to the litigation and the disclosure is relevant and reasonably necessary to adjudicate the matter.
4. Records may be disclosed to any source, either private or governmental, to the extent necessary to elicit information relevant to an OIG investigation.

5. Records may be disclosed to appropriate state boards of accountancy for possible administrative or disciplinary sanctions such as license revocation. These referrals will be made only after the independent auditor has been notified that the OIG is contemplating disclosure of its findings to an appropriate state board of accountancy, and the independent auditor has been provided with an opportunity to respond in writing to the OIG's findings.
6. Records may be disclosed to DOJ for litigation purposes associated with the representation of OIG and/or HUD before the courts.
7. Records may be disclosed to persons engaged in conducting and reviewing internal and external peer reviews of OIG to ensure adequate internal safeguards and management procedures exist within any office that had received law enforcement authorization.
8. In the event that these records respond to an audit, investigation or review, which is conducted pursuant to an authorizing law, rule or regulation, and in particular those conducted at the request of the CIGIE pursuant to Executive Order 12993, the records may be disclosed to the CIGIE and other federal agencies, as necessary.
9. Records may be disclosed to private, state or Federal licensing authorities or boards regulating professional services, such as appraisers, attorneys, insurers, or mortgage brokers, when the records reveal conduct related to activities associated with a HUD program that is appropriate for possible administrative or disciplinary sanctions, such as license revocation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are stored manually in file jackets in an office file system.

RETRIEVABILITY: Records are retrieved by manual search of indices containing the name of the individual to whom the record pertains or by the case number.

SAFEGUARDS: Records are maintained in locked file cabinets or in metal file cabinets in secured rooms or premises with access limited to those persons whose official duties require access. The public does not access to these spaces.

RETENTION AND DISPOSAL: Retention and disposal: Retention and disposal is in accordance with Records Disposition Schedule 3, Item 81, Appendix 3, HUD Handbook 2225.6, Rev. 1. Historic or significant investigation files are PERMANENT, pending appraisal by NARA. All other case files are to be destroyed 10 years after the case is closed. Records shall be shredded or burned.

SYSTEM MANAGER(S) AND ADDRESS: Assistant Inspector General, Office of Investigations, Office of the Inspector General, Department of Housing and Urban Development, 451 Seventh Street, SW, Room Number 5254, Washington, DC 20410.

NOTIFICATION AND ACCESS PROCEDURE: These records are generally exempt from Privacy Act access. The System Manager will give consideration to a request from an individual for notification of whether the system contains records pertaining to that individual. Requests may be made to the OIG Office of Investigations, Attn: FOIA/Privacy Act Office; 451 Seventh Street SW, Room 8260, Washington, DC 20410. The procedures for requesting access to records are publicized in 24 CFR part 2003.

CONTESTING RECORD PROCEDURES: The procedures for requesting amendment or correction of records appear in 24 CFR parts 16 and 2003. The records are generally exempt from Privacy Act amendment or correction. However, the System Manager will give consideration to a request from an individual for amendment or correction of records pertaining to that individual, that are indexed and retrieved by reference to that individual's name. Requests may be made to the OIG Office of Investigations, Attn: FOIA/Privacy Act

Office; 451 Seventh Street SW, Room 8260, Washington, DC 20410. The procedures for requesting amendment or correction of records are publicized in 24 CFR part 2003.

RECORD SOURCE CATEGORIES: The OIG collects information from a wide variety of sources, including from HUD, law enforcement agencies, program participants, subject individuals, complainants witnesses and other nongovernmental sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: This system of records, to the extent that it consists of information compiled for the purpose of criminal investigations, has been exempted from the requirements of subsections (c)(3), (d)(1), (d)(2), (e)(1), (e)(2) and (e)(3) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, this system of records, to the extent that it consists of other investigatory material compiled for law enforcement purposes, has been exempted from the requirements of subsections (c)(3), (d)(1), (d)(2) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Finally, this system of records, to the extent that it consists of investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, has been exempted from the requirements of subsection (d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.